



**City of Scottsdale  
Charter Review Task Force**

**MARKED AGENDA**

5:00 p.m., Monday, November 16, 2009  
City Hall Kiva Forum, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251

**Call to Order / Roll Call - MEETING WAS CALLED TO ORDER AT 5:01 P.M. WITH ALL MEMBERS PRESENT.**

**1. Approval of Minutes from October 26, 2009 and November 2, 2009 – ALAN KAUFMAN MOVED APPROVAL OF OCTOBER 26, 2009 MINUTES, CINDI EBERHARDT SECONDED. MOTION PASSED 7-0. CINDI EBERHARDT MOVED APPROVAL OF THE NOVEMBER 2, 2009 MINUTES AS AMENDED BY CHAIRMAN TWIST, SUSAN BITTER SMITH SECONDED, MOTION PASSED 7-0.**

**2. Public Comment**

**NO PUBLIC COMMENT.**

**3. Discussion and possible action regarding recommendations to the City Council regarding possible amendments to the Scottsdale City Charter**

- a. Discuss possible recommendations for amendments to Articles relating to the city council and appointees of the city council, including, but not limited to, Article 2, Section 6 relating to the duties of the mayor, Article 2, Section 20 relating to the internal (city) auditor; Article 3, the city manager; Article 4, the city clerk, city treasurer and city attorney; and Article 11, relating to the city judge, and related matters.

**JIM DEROUIN MOVED APPROVAL OF THE CHANGES TO ARTICLE 2, SECTION 4 BE AMENDED AS FOLLOWS, ACCOMPANIED BY THE DELETION OF ARTICLE 2, SECTION 9 AS PRESENTED. SECONDED BY SUSAN BITTER SMITH. MOTION PASSED 7-0.**

**“Article 2, Sec. 4. Qualifications.**

**The mayor and councilmen shall be qualified electors of the city and shall hold no other public office which in any way conflicts with the office of mayor or councilman, and shall have resided in said city, or in an area annexed to said city, for one (1) year next preceding the date of such election or appointment. If the mayor or a council shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. THE COUNCIL, AS PROVIDED BY ORDINANCE, SHALL BE THE JUDGE OF THE ELECTION AND THE QUALIFICATIONS, OF ITS MEMBERS AND FOR SUCH PURPOSE SHALL HAVE POWER TO SUBPOENA WITNESSES AND REQUIRE THE PRODUCTION OF RECORDS, BUT THE DECISION OF THE COUNCIL IN ANY SUCH CASE SHALL BE SUBJECT TO REVIEW BY THE COURTS.**

**~~Sec. 9. Council to be judge of qualifications of its members.~~**



Persons with a disability may request a reasonable accommodation by contacting the City Clerk's Office at (480) 312-2412. Requests should be made 24 hours in advance, or as early as possible, to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact the City Clerk's Office at (480) 312-2412.

~~The council, AS PROVIDED BY ORDINANCE, shall be the judge of the election and THE qualifications, PURSUANT TO SECTION 4, of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts."~~

THE TASK FORCE DISCUSSED CHANGES TO ARTICLE 2, SECTION 6, RELATING TO DUTIES OF THE MAYOR AND PROVIDED DIRECTION TO STAFF. STAFF WILL RESEARCH FURTHER AND BRING BACK BACKGROUND INFORMATION AND REVISED LANGUAGE AT THE NEXT MEETING.

CHARLIE SMITH MOVED THAT CHANGES TO ARTICLE 2, SECTION 17 BE APPROVED AS PRESENTED. LISA JOHNSON STONE SECONDED. MOTION PASSED 7-0.

"Sec. 17. Interference in administrative service.

~~Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with SUCH EMPLOYEES the administrative service solely through the city manager OFFICER, and neither the council nor any member thereof shall give orders to any subordinates of the city manager SUCH EMPLOYEE, either publicly or privately. Nothing in this section shall be construed, however, as prohibiting the council while in open sessions from fully and freely discussing with or suggesting to the city manager ANY OFFICER OF THE CITY anything pertaining to city affairs or the interests of the city."~~

SUSAN BITTER SMITH MOVED, ALAN KAUFMAN SECONDED THAT THE FOLLOWING LANGUAGE BE ADDED TO ARTICLE 3, SECTION 1. MOTION PASSED 6-1 (CHARLIE SMITH).

"OFFICERS OF THE CITY SHALL BECOME RESIDENTS OF THE CITY WITHIN SIX (6) MONTHS AFTER THE START OF THEIR EMPLOYMENT."

SUSAN BITTER SMITH MOVED AND CHARLIE SMITH SECONDED THAT ARTICLE 3 BE AMENDED AS FOLLOWS. MOTION PASSED 7-0.

~~"Article 3: The City Manager OFFICERS OF THE CITY~~

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~~Sec. 1. Appointment of city manager. GENERAL PROVISIONS.~~

~~The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided.~~

THE COUNCIL SHALL APPOINT AS OFFICERS OF THE CITY THE FOLLOWING: CITY MANAGER, CITY TREASURER, CITY CLERK, CITY ATTORNEY AND CITY AUDITOR. THE COUNCIL SHALL SET COMPENSATION FOR OFFICERS OF THE CITY WHO COLLECTIVELY SHALL BE RESPONSIBLE TO MANAGE THE AFFAIRS OF THE CITY, REPORT DIRECTLY TO COUNCIL, SERVE AT THE PLEASURE OF COUNCIL, AND HAVE THE POWERS AND PERFORM THE DUTIES IN THIS CHARTER PROVIDED. EACH OFFICER OF THE CITY SHALL APPOINT AND, WHEN NECESSARY, REMOVE EMPLOYEES OF THEIR RESPECTIVE OFFICES, AS PROVIDED BY CITY ORDINANCES AND FORMALLY ADOPTED POLICIES."

JIM DEROUIN MOVED TO STRIKE THE PROPOSED LANGUAGE RELATING TO COMBINING OFFICES IN ARTICLE 3, SECTION 1. ALAN KAUFMAN SECONDED. MOTION PASSED 7-0.

~~“WHERE THE POSITIONS ARE NOT INCOMPATIBLE, THE COUNCIL MAY COMBINE IN ONE PERSON THE POWERS AND DUTIES OF TWO OR MORE OFFICERS CREATED OR AUTHORIZED BY THIS CHARTER.”~~

CHARLIE SMITH MOVED THAT THE NEXT THREE PARAGRAPHS BE APPROVED AS PRESENTED. SUSAN BITTER SMITH SECONDED. MOTION PASSED 7-0.

~~“OFFICERS OF THE CITY SHALL BE CHOSEN BY THE COUNCIL ON THE BASIS OF QUALIFICATIONS WITH SPECIAL REFERENCE TO ACTUAL EXPERIENCE IN, OR KNOWLEDGE OF, ACCEPTED PRACTICE IN RESPECT TO THE DUTIES OF THE OFFICE AS SET FORTH IN THIS CHARTER.~~

~~IT SHALL BE THE DUTY OF EACH OFFICER TO PERFORM ALL SERVICES REQUIRED OF THEIR RESPECTIVE POSITIONS.~~

~~THE COUNCIL SHALL APPROVE THE APPOINTMENT OF ACTING OFFICERS IN THE EVENT AN OFFICER IS ABSENT FROM THE CITY, IS UNABLE TO PERFORM HIS DUTIES, IS SUSPENDED BY THE COUNCIL, OR IF THERE IS A VACANCY IN THE OFFICE.”~~

SUSAN BITTER SMITH MOVED ADDING THE WORDS “FORMALLY ADOPTED” IN FRONT OF THE WORD “POLICIES” AT THE END OF THE FIRST PARAGRAPH IN ARTICLE 3. JIM DEROUIN SECONDED. MOTION PASSED 7-0.

JIM DEROUIN MOVED TO ALLOW PUBLIC HEARINGS AT TERMINATION FOR ALL FIVE OFFICERS OF THE CITY AND INSERT THIS LANGUAGE AT THE END OF SECTION 1. LISA JOHNSON SECONDED. MOTION PASSED 6-1(ALAN KAUFMAN).

~~“ANY OFFICER OF THE CITY MAY WITHIN TEN (10) DAYS FROM THE DATE OF A VOTE OF REMOVAL, REQUEST A PUBLIC HEARING TO BE HELD NOT LATER THAN THIRTY (30) DAYS THEREAFTER.”~~

SUSAN BITTER SMITH MOVED TO ADOPT THE PROPOSED CHANGES TO ARTICLE 3, SECTION 2 AND 3 AS SHOWN BELOW. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.

~~“Sec. 2. The city manager; qualifications.~~

~~The council shall appoint AS an officer of the city who shall have the title of A city manager and shall have the powers and perform the duties in this charter provided. The city manager shall be chosen by the council on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.~~

~~Sec. 3. City manager; powers and duties.~~

~~The city manager shall be AS the chief executive of the administrative branch of the city government. He THE CITY MANAGER shall be responsible to the council for the proper administration of all affairs of the city, NOT OTHERWISE ASSIGNED BY THIS CHARTER TO ANOTHER OFFICER. and To that end, subject to the provisions of this charter, heTHE CITY MANAGER shall have power and shall be required to:~~

- See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;
- ~~PROVIDE FOR THE Appointment and when necessary for the good of the service remove~~ **AL OF all officers and employees of the city, except as otherwise provided by this charter. and except as he THE CITY MANAGER may authorize the A SUBORDINATE head of a department or office to appoint and remove subordinates EMPLOYEES in such department or office;**
- Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;
- Keep the council advised at all times of the affairs and needs of the city and make reports ~~AS annually, or more frequently if requested~~ **REQUIRED by the council, of all the affairs of the city;**
- Supervise the purchasing for all departments of the city;
- Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter;
- ~~The city manager shall furnish a surety bond to be approved by the council; said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city."~~

**CHARLIE SMITH MOVED TO STRIKE SECTIONS 4 AND 5 OF ARTICLE 3. JIM DEROUIN SECONDED. MOTION PASSED 7-0.**

**~~"Sec. 4. Acting city manager.~~**

~~If the city manager is absent from the city, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of the city manager, the council shall appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases or until another city manager is appointed and qualifies, as the case may be.~~

**~~Sec. 5. Removal of city manager.~~**

~~The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. The city manager may within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council."~~

**SUSAN BITTER SMITH MOVED TO RENUMBER SECTION 2 TO SECTION 3 WITH THE AMENDMENTS AS PRESENTED. ALAN KAUFMAN SECONDED. MOTION PASSED 7-0.**

**~~"Sec. 23. City clerk.~~**

~~The council shall appoint AS an officer of the city, who shall have the title of A city clerk, and who shall give notice of all council meetings, keep the journal OFFICIAL RECORD of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council."~~

**ALAN KAUFMAN MOVED THAT SECTION 4 BE AMENDED AS SHOWN ON THE SCREEN. CHARLIE SMITH SECONDED. MOTION PASSED 6-1 (CHARLIE SMITH)**

**“Sec. 4. City treasurer.**

**The council shall appoint AS an officer of the city, ~~who shall have the title of A city treasurer, WHO SHALL BE THE CHIEF FINANCIAL OFFICER OF THE CITY, who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served~~ PREPARE THE OFFICIAL FINANCIAL AND ACCOUNTING RECORDS OF THE CITY. ~~He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~”**

**CHARLIE SMITH PROPOSED THE FOLLOWING MOTION BE PLACED ON THE BALLOT AS AN ALTERNATIVE TO THE PREVIOUS MOTION. MOTION FAILED FOR LACK OF A SECOND.**

**“The ~~council~~ CITY MANAGER shall appoint A ~~an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council~~ CITY MANAGER.”**

**JIM DEROUIN MOVED THAT THE PROPOSED AMENDMENTS TO SECTION 5 CITY ATTORNEY BE ACCEPTED. LISA JOHNSON STONE SECONDED. MOTION PASSED 7-0.**

**“Sec. 5. City attorney.**

**The council shall appoint AS AN OFFICER OF THE CITY ~~the A city attorney who shall be the chief legal advisor TO THE COUNCIL AND of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.~~”**

**JIM DEROUIN MOVED THAT THE PROPOSED AMENDMENTS TO SECTION 6 – CITY AUDITOR BE ACCEPTED AS SHOWN BELOW. SUSAN BITTER SMITH SECONDED. MOTION PASSED 7-0.**

**“Sec. 6. Internal CITY auditor.**

**The city council ~~shall have the authority to appoint AS AN OFFICER OF THE CITY an internal A CITY auditor to examine and verify such city affairs as the council may direct. The auditor shall report directly to the council.~~ THE CITY AUDITOR SHALL HAVE THE AUTHORITY TO CONDUCT FINANCIAL AND PERFORMANCE AUDITS AND INVESTIGATIONS OF ALL ACTIVITIES OF THE CITY IN ACCORDANCE WITH APPLICABLE GOVERNMENT AUDITING STANDARDS, AND SHALL BE PROVIDED FREE AND OPEN ACCESS, EXCEPT AS LIMITED BY LAW, TO ALL CITY RECORDS, PERSONNEL, FACILITIES AND INFORMATION NECESSARY TO CARRY OUT THESE DUTIES.”**

**JIM DEROUIN MOVED THAT THE PROPOSED DELETIONS TO ARTICLE 4, SECTION 1 BE RECOMMENDED TO THE CITY COUNCIL. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.**

**“Article 4: Administrative Departments and Offices**

**Sec. 1. Administrative departments and offices.**

**The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.**

**The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. ~~Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.~~**

**The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. ~~Officers of the city shall become residents of the city within six (6) months after the start of their employment. The city council may by ordinance provide residency requirements for all other city employees.”~~**

**CINDI EBERHARDT MOVED THAT SECTIONS 2, 3, AND 4 OF ARTICLE 4 BE DELETED BECAUSE THE POSITIONS HAVE BEEN MOVED TO ARTICLE 3. LISA JOHNSON STONE SECONDED. MOTION PASSED 7-0.**

**~~“Sec. 2. City clerk.~~**

**~~The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.~~**

**~~Sec. 3. City treasurer.~~**

**~~The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~**

**~~Sec. 4. City attorney.~~**

**~~The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.”~~**

**JIM DEROUIN MOVED THAT ARTICLE 4, SECTION 2 BE AMENDED TO THE FOLLOWING LANGUAGE, DELETED FROM ARTICLE 4, MOVED TO ARTICLE 5 AND BECOME A NEW SECTION 2. SECONDED BY CINDI EBERHARDT. MOTION PASSED 7-0.**

**“SEC. 2. CIVIL SERVICE BOARD**

**THE CITY COUNCIL SHALL CREATE A CIVIL SERVICE BOARD CONSISTING OF THREE QUALIFIED ELECTORS OF THE CITY TO BE APPOINTED BY THE CITY COUNCIL FOR SIX (6) YEAR TERMS TO PRESCRIBE, AMEND AND ENFORCE RULES FOR PERSONNEL HEARINGS AS PROVIDED BY CITY ORDINANCE.”**

**THE TASK FORCE AGREED TO CONTINUE DISCUSSION ON ARTICLE 11 RELATING TO THE CITY COURT TO THE NEXT MEETING.**

- b. Discuss possible recommendations for amendments to Article 2 changing the method of selection of council members from at large to district.

**SONNIE KIRTLEY AND PATTY BADENOCH SPOKE. SAM WEST SUBMITTED A CARD, BUT DID NOT SPEAK.**

- c. Discuss possible recommendations for amendments to Article 5 relating to Appointive Boards and Commissions

**CINDI EBERHARDT MOVED AMEND ARTICLE 5, SECTION 1 BY DELETING THE LAST SENTENCE. SUSAN BITTER SMITH SECONDED. MOTION PASSED 7-0.**

**“Article 5: Appointive Boards, and Commissions**

**Sec. 1. Appointive boards, and commissions.**

**The council may by ordinance create, change, and abolish boards or commissions in its judgment are required, or as are now or hereafter provided by law and may grant to them such power and duties as are consistent with the provisions of this charter.**

**All members of appointive boards or commissions shall at the time of their appointment be a resident of the city, and shall maintain this residency for the duration of their term in office.**

**No member of a board, or commission shall serve for more than six consecutive years on that board, or commission. ~~This provision shall apply to all appointments to boards or commissions made on or after March 1, 1988.~~”**

**SUSAN BITTER SMITH MOVED TO AMEND ARTICLE 5 BY STRIKING EXISTING SECTION 2. SECONDED BY CINDI EBERHARDT. MOTION PASSED 7-0.**

**~~Sec. 2. Mayor and city manager ex-officio members.~~**

**~~The mayor and city manager shall be ex-officio members without voting privileges, of all boards and commissions.~~**

**4. Review, discuss, and possibly amend draft agenda for November 30, 2009 meeting**

**AFTER DISCUSSION, THE TASK FORCE AGREED THAT THE ORDER OF TOPICS FOR THE NEXT MEETING WOULD BE ARTICLE 11, THE CITY COURT; DISTRICTING; ITEMS CONTINUED FROM THIS MEETING, INCLUDING THE DUTIES OF THE MAYOR; ARTICLE 6 FINANCE AND TAXATION; ARTICLE 7 ORDINANCES AND RESOLUTIONS; AND ARTICLE 8 CONTRACTS.**

**Adjournment – MEETING WAS ADJOURNED AT 9:52 P.M.**